

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
)
Plaintiff,) 4:11CR3088
)
)
v.)
) MEMORANDUM AND ORDER
PHILLIP D. HATTEN,)
)
)
Defendant.)

The defendant has moved to continue the trial currently set for November 7, 2011. (Filing No. 20). As explained in the defendant's motion, the parties are engaged in plea negotiations and need additional time to determine if this case can be resolved without trial. The government does not oppose the requested continuance. The court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (filing no. 20), is granted.
- 2) The trial of this case is set to commence before the Honorable Richard G. Kopf at 9:00 a.m. on January 30, 2012, or as soon thereafter as the case may be called, for a duration of four (4) trial days, in Courtroom 1, United States Courthouse, Lincoln, Nebraska. Jury selection will be held at commencement of trial.
- 3) Based upon the showing set forth in the defendant's motion and the representations of defendant's counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the time between today's date and January 30, 2011 shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7)(A).

October 26, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge